

Application No.: 09/868978

Docket No.: 08577-00033-US

REMARKS

Applicant respectfully request reconsideration in view of the amendment and following remarks. The applicant has amended the specification to cite U.S. Patent No. 6,352,742 that claimed benefit to JAPANESE PATENT APPLN. HEI 10-125560. Support for amended claim 1 can be found in U.S. Patent No. 6,352,742 at col. 3, lines 11-13 which state

Preferably, the polymer electrolyte is soluble to a solvent. Specifically, a solution preferably dissolves not less than 1 percent by weight of the polymer electrolyte and further preferably not less than 2 percent by weight. **The features facilitates forming a uniform polymer electrolyte membrane without forming pores therein.** (emphasis added)

Claims 1, 2 and 8-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sansone et al. WO 98/14505 ("Sansone"). The applicant respectfully traverses this rejection.

The applicant has informed the undersign, that the major difference between the prior art, Sansone and the instant invention is that Sansone uses a so-called phase inversion membrane (which is porous). Sansone discloses the following at page 9, lines 1-5:

In any embodiment of the method of this invention, the amount of acid in the resulting film can be controlled by **adjusting the membrane porosity**, temperature, soak time, and acid concentration as well as the specific materials employed. (emphasis added)

In contrast the instant invention uses non-porous membrane. For this reason alone Sansone does not anticipate the applicant's claimed invention. Furthermore, Sansone teaches away from the applicant's claimed invention. Therefore, the applicant's claimed invention would not be obvious over Sansone. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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A three month extension of time is enclosed. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 08577-00033-US from which the undersigned is authorized to draw.

Respectfully submitted,

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